



**Public Meeting of Council
Tuesday, May 29, 2012, 7 pm
Maplewood Room, Cody Banks Arena, 58 Maple Avenue**

Mayor Clifford Lee presiding

Present: **Deputy Mayor Stu MacFadyen** **Councillor Rob Lantz**
 Councillor Danny Redmond **Councillor David MacDonald**
 Councillor Jason Coady **Councillor Mitchell Tweel**
 Councillor Cecil Villard **Councillor Melissa Hilton**
 Councillor Terry Bernard

Also: **Donna Waddell, DCS** **Hope Gunn, PDO**
 Laurel Palmer Thompson, PDO **Linda Thorne, AA**

Regrets: **Councillor Edward Rice** **Roy Main, CAO**
 Phil Handrahan, DFDS **Brad Wonnacott, AA**

Mayor Lee opened the meeting and introduced the Councillors. He then turned the meeting over to Councillor Lantz who introduced the application and briefly explained the process.

1. 207 Mount Edward Road (PID# 390468)

An application for an amendment to Appendix “G” of the Zoning and Development Bylaw – List of Approved Properties in the Comprehensive Development Area and Their Permitted Uses – to permit mixed development on this site (i.e. small commercial buildings, semi-detached units, townhouses, apartments, community care and assisted living uses). The applicant has requested a change to the Concept Plan presented at the public meeting held on December 7, 2010.

Clifford McQuaid, developer, presented the application. He noted he is acting as spokesperson for six of his family members who are involved in the development. Mr. McQuaid reviewed the development plan approved by Council in 2010 and noted that they owned private road to the Charlottetown Mall at that time. Since then, the roadway has been deeded to the City and is now a public right-of-way. The development will have seniors/community care buildings, two 32-unit apartment buildings with underground parking, 4 and 6-unit townhouses with walkout basements, and duplexes. The townhouses and duplexes will have garages and garbage storage will be inside the garages. Garbage storage for the apartment buildings will be located in the underground parking areas.

The reason for the right-of-way off Mount Edward Road is that water and sewer services will be located there as well as fire access. They also did not want the access point to be directly across from Kenlea Drive because of the concern of speeding through the area. The entrances to the remaining buildings will be off the Towers Road. The cost for constructing the street as presented in the 2010 plan would be over one million dollars. Mr. McQuaid then reviewed the proposed building designs. The apartment buildings will be 3-storey with lofts and will have units approximately 1,700 square feet in area. He also noted that when he constructed the townhouses in Brown's Court they were built expressly for students. This development will be geared towards seniors and their housing needs. This proposal has more units than the last plan. The duplexes will be 1,300 to 1,350 square feet plus garages.

Councillor Redmond asked if the development will be for community care and seniors only.

Mr. McQuaid responded that two of the buildings will be for community care and seniors' apartments. The apartments will have two bedrooms and two bathrooms. The townhouses will have walkout basements because of the natural slope of the property. The access point to Mount Edward Road could come out if it wasn't needed for services and fire access.

Ivan Noonan, 22 Nottingham Avenue

Mr. Noonan asked if the entrance off Mount Edward Road was approved. He feels that he is close to Kenlea Drive and asked how that would work.

Mr. McQuaid explained the various accesses and that they plan to install a large speed bump on the access to Mount Edward Road and on the road between the semis to deter speeding through the area.

Unknown speaker noted that this access is directly across from his neighbour's driveway and will not work.

Councillor Lantz explained that speakers must come to the mics and state their name and address in order to keep an accurate record of comments.

Sheila Keeping, 6 Fulton Drive

Mrs. Keeping asked if the Towers Road had been turned over to the City and noted that there are five access points off this street.

Mr. McQuaid clarified that these were driveways, not streets.

Mrs. Keeping asked how many stories high the seniors' apartments and assisted living buildings will be.

Mr. McQuaid responded that they will be three stories high and as the land slopes approximately 33 feet; these buildings will not be visible from Mount Edward Road as they will be located on the lower end of the property.

Florian Bryan, 2 Hummingbird Street

Mr. Bryan asked about the elevation of the duplexes and if they will be located on the area of land that is presently dug up.

Mr. McQuaid noted that the lots may need to be built up in that area and that the duplexes will have all of the proper setbacks.

Mr. Bryan asked how far from the street will the duplexes be located.

Mr. McQuaid responded that they will be set back approximately the same distance as the duplexes built on North River Road.

Mr. Bryan noted that there will only be parking for one vehicle.

Mr. McQuaid explained that access to the garages will be off the rear of the duplexes.

Irene Doyle, 41 Kenlea Drive

Mrs. Doyle asked if the project will be done in phases and if the duplexes will be in the first stage.

Mr. McQuaid responded that they will be in the first phase and explained the order in which the property will be developed.

Mrs. Doyle asked about the location of the streets.

Mr. McQuaid explained that there will be no street located opposite Kenlea Drive.

Karen Dunning, 101 Brackley Point Road

Ms. Dunning asked if the duplexes will be rentals or can they be purchased.

Mr. McQuaid noted that they will be rentals, but could be purchased.

Councillor Bernard asked about the buildings proposed for Lot 6.

Mr. McQuaid responded that these will be apartment buildings with underground parking and could possibly be assisted living.

Councillor Bernard asked if the numbers noted on the buildings were the number of units.

Mr. McQuaid noted that this is the number of beds, not units.

Jake Bartlett, 29 Parkview Drive

Mr. Bartlett asked about the type of buildings proposed for Lots 1 and 1A.

Mr. McQuaid explained that these will be a small commercial building with the possibility of a second commercial building being constructed.

Unknown Speaker

An unidentified speaker asked about the walkways and green space proposed in the 2010 concept plan.

Mr. McQuaid pointed out the green space in the new plan and noted that there is quite a large area.

Earl Winters, 2 Oak Drive

Mr. Winters pointed out that the green area proposed in the 2010 plan was nice and asked if there will be any sidewalks.

Mr. McQuaid responded that he was unsure as this will be up to the City as Towers Road is now a public right-of-way. He also noted that there will be a doctor's office located in the seniors' building.

Pat Langhorne, 6 Callbeck Crescent

Mrs. Langhorne commented that the proposal seems really vague.

Mr. McQuaid responded that the demand for seniors' living and community care facilities are in demand and that this will determine the type of development in the future.

Councillor Lantz clarified the process for amendments to uses in the CDA Zone. He noted that Planning Board and Council are bound to only consider the application before them tonight.

Greg ????

This speaker asked how many units will be in the community care facility.

Mr. McQuaid noted that there will be 60 beds as well as a commercial area for a medical clinic.

Bea Parke, 201 Mount Edward Road

Mrs. Parke is concerned about the access to Mount Edward Road and would like to see this as a fire lane only, as well as for pedestrians and cyclists. She also feels that this should be a gated community.

Councillor MacDonald asked if the commercial lots in the corner of the property have adequate parking.

Mr. McQuaid noted that originally they were only going to have one commercial lot and that there is lots of parking as these are large lots. He suggested that the commercial building could be angled on the lot to slow traffic.

Councillor Bernard asked if the developers will be responsible for snow removal of the driveways onto Towers Road.

Mr. McQuaid indicated that they will be responsible for snow removal.

George Wright, 205 Mount Edward Road

Mr. Wright asked if the private driveways will be marked with signage.

Mr. McQuaid responded that they will be marked with signage as private driveways.

Florian Bryan, 2 Hummingbird Street

Mr. Bryan asked about the width of the proposed driveways.

Mr. McQuaid noted that the buildings will be set back approximately 200 feet and that the driveways will be 20 feet in width.

Mr. Bryan asked about the width requirements for private streets.

Ms. Palmer Thompson, Development Officer, responded that fire regulations require the paved portion of a street to be 20 feet wide with side shoulders on each side of the street to be 10 feet wide.

Mr. Bryan noted that there is no parking for visitors.

Mr. McQuaid responded that there is not a lot of room for large gatherings and that there is adequate parking for guests in the parking lots slated for the apartment buildings. The duplexes and townhouses will have parking for two cars plus the garage.

Irene Doyle

Mrs. Doyle asked if it was possible to not have the access point off Mount Edward Road and could this be for fire access only.

Mr. McQuaid noted that this would split the lots up quite a bit.

Mrs. Doyle asked if this access was need for fire and if so, could a gate be installed for use by the fire department only.

Mr. McQuaid responded that the residents of the development might not want to drive through the commercial area.

Paul Young, 212 Mount Edward Road

Mr. Young noted that the speed of traffic on Mount Edward Road does not allow residents to back out of their driveways safely. He pointed out that the posted speed limit is 50km per hour but most traffic speeds upwards to over 70km per hour. The flashing speed signs erected by the City have not worked and there is a high risk with the amount of traffic. He feels that Oak Drive should be a three-way stop. He also feels that the new development will be used as a short cut for traffic to avoid the lights on Mount Edward Road at Towers Road. He is in support of the development but feels that there should be a community meeting with the residents and also that the plan is too vague and should be more detailed.

Councillor Lantz noted that fire regulations require an unobstructed access for fire vehicles and gates are not permitted.

Mayor Lee asked Mr. McQuaid if he would be agreeable to eliminating the access onto Mount Edward Road if permitted by the Fire department. He also pointed out that a final plan needs to be developed as Council will be voting on the plan presented tonight.

Mr. McQuaid responded that they had worked on the development of this plan for the past six months and had consulted with all of the City departments.

Mayor Lee asked if the duplexes on Mount Edward Road could be accessed off Towers Road.

Mr. McQuaid responded that each lot will have a separate identity and that the access off Mount Edward Road is to be used for fire access.

Mayor Lee responded that they are trying to find a compromise.

Ivan Noonan

Mr. Noonan is in favor of the development but the 2010 plan was not subdivided off into separate parcels like the proposed plan.

Mr. McQuaid responded that the costs of developing the first concept plan were too high.

Mr. Noonan asked if each lot could be purchased separately and was each lot deeded separately. If that is the case there would have to be access off Mount Edward Road as these are all separate lots.

Mr. McQuaid noted that each building is on a separate lot and six family members were each doing a portion of the development.

Councillor Lantz asked for any comments or questions.

Glen Saunders, 220 Mount Edward Road

Mr. Saunders has no problem with the project but has concerns with existing policing and traffic.

Mr. McQuaid noted that the area will be followed very closely.

Councillor MacDonald noted that policing is considered in newly developed areas and that a new policing plan will need to be developed for this area.

Mr. Saunders responded that policing has not improved since 1999 and asked if the residents have to police their own neighbourhood. There are a lot of people around and not enough police cars.

Mayor Lee noted that there has been increased policing in this area and that Councillor MacDonald will discuss Mr. Saunders' concerns with the Police Chief.

Mr. Saunders has concerns as it takes half an hour for a police car to respond to calls in the area.

Councillor Lantz noted that the meeting needs to be directed back to the land use issues and if Mr. Saunders has policing concerns, he should get in touch with the Police Committee.

Mr. Saunders responded that the City will have to deal with policing this new development and asked if there will be more police and cars.

Councillor MacDonald noted Council appreciates Mr. Saunders' input and that he should bring his concerns to the Police Committee. He also noted that there have been changes in police services and that it is now possible to track the location and time of response of police cars.

Mr. Saunders stated that adding more people to the community is a concern as the City cannot police there now.

Councillor MacDonald stated he feels that the police department is doing a reasonably good job now and that Mr. Saunders should discuss his particular issues with the Police Committee.

Mr. McQuaid noted that the new Sobeys and Target stores are being developed in the area and that it is necessary to get the right mix of development. The new development is being geared towards seniors and he also pointed out that there is shopping, movie theatres and the spa nearby. The lots are being developed separately as it is difficult to obtain financing for such a large project. Each building is a separate project and it is necessary to have access to Mount Edward Road in order for this to work.

Councillor Lantz asked for any comments or concerns.

Tara Young, 212 Mount Edward Road

Mrs. Young has concerns with the whole area being rental units as people do not look after rentals. In the previous plan the duplexes could be sold to people.

Mr. McQuaid responded that the apartments are being built to possibly be condos.

Mrs. Young noted that the townhouse and duplex rentals are a concern.

Mr. McQuaid noted that the duplex units could be sold and that it is necessary to have frontage on a public right-of-way to sell units separately or the units could be sold as condo units. He pointed out that the building designs are modeled from the Duncan Heights development in Summerside.

Florian Bryan

Mr. Bryan asked why there were only two duplex units on the plan and four quad units.

Mr. McQuaid responded that the four buildings on the front of the property are meant to be duplexes and the ones to the rear of that are to be four-unit buildings.

Mr. Bryan asked what type of business will be located in the commercial building.

Mr. McQuaid responded that his daughter will be operating her tanning salon out of the commercial building.

Councillor Lantz asked for any comments or questions; there being none, he explained the next step in the process and that Planning Board and Council will be voting on the project in June.

2. Proposed Amendments to the Zoning & Development Bylaw

Hope Gunn, Development Officer, presented the proposed amendments to the Zoning & Development Bylaw. She gave an overview of the amendments and noted that a number of them were text amendments only to correct numbering or typographical errors.

Section 4.6.6 (text change only) “4.6” should be “4.27”

Section 4.7 – an amendment to allow more than one main building in the Airport Zone

Section 4.19.12 – no longer require newspaper ads for the Home Occupation application process

This amendment is being proposed as the cost to the applicants for the newspaper ads are costly. Home Occupations, Rezoning and Bylaw amendments are the only applications that presently require advertising in the newspaper.

Jake Bartlett

Mr. Bartlett is opposed to this proposed amendment. He feels that there is presently a lack of community consultation and spoke to the present-day issues occurring across the world. He feels that this amendment would deny information to residents and that renters do not receive notices as notification is presently only given to property owners. He gave the issue of the Harley Street trailer park owners not being aware that their homes were to be removed as they were not property owners, as an example. He feels that renters are treated as second class citizens because they are not property owners. He also feels that renters may have more social concerns as they live in the neighbourhoods. He encouraged Council to vote against this amendment.

Councillor Lantz noted that these points were discussed at the last Planning Board meeting and that if the requirement for newspaper ads was removed, that delivery of the notifications to the physical addresses rather than just the property owner might be considered.

Ms. Gunn noted that the notifications are given to adjoining property owners as these applications affect the neighbourhood and not City-wide.

Councillor Lantz pointed out that notification to property owners is required for major and minor variances, but that a newspaper ad is not required.

Mr. Bartlett commented that hand-delivery would be more costly than mail delivery.

Ms. Gunn noted that the applicant also bears the cost of mailing out the notifications and that the cost varies due to the density of the neighbourhoods.

Mr. Bartlett noted that tenants will be more likely to be advised of these applications if they were advertised in the newspaper.

Councillor Bernard commented that the mailouts are done within 100 meters only, but the application can affect the whole neighbourhood. Everyone has the opportunity to see a newspaper ad.

Ivan Noonan

Mr. Noonan asked how far the area extends for people to get notice. He didn't receive a notice, but did see the ad for this meeting in the newspaper.

Councillor MacDonald responded that the notices are sent out to property owners within 100 meters of the subject property.

Mr. Noonan commented that is not very far – if he hadn't read the newspaper ad he wouldn't have been aware of the meeting.

Councillor Tweel asked if the developers require this notification.

Councillor Lantz responded that this meant the applicants for home-based businesses, not for every development.

Councillor Tweel noted the Home Occupation application for Maplewood Drive was a case in point as many residents from outside the area lobbied against it.

Councillor Lantz asked for any questions or comments.

Earl Winters

Mr. Winters noted he had received a notice in the mail, but it was also nice to read about the meeting in the newspaper.

Section 4.36.1 (text change only) - remove “notwithstanding subsection 4.35.1”

This amendment is to remove the first reference to the previous section as the numbering is no longer relevant.

Section 4.38 – change section name to “Lot Size”; add:

“Council may approve, by recommendation of Planning Board, the Subdivision of a single infill lot that is undersized in Lot Area and/or Lot Frontage, and that meets the average lot size of the

existing developed lots on the street within the same zone. Such infill lots are to be used for single family dwellings only or for 2-unit dwellings where permitted in the zone and where the lot has the minimum requirement for Lot Area for that use.”

This amendment is proposed to change the title of the section and add a new section regarding undersized lots for infill development. The City presently grants many variances each year and this would be eliminated for infill development for single family and two family dwellings only.

Mayor Lee noted that this would apply only to the downtown core area where small lots are common and not for new developments.

Councillor MacDonald commented that this is not a new concept and that this issue was also addressed during amendments to the *Veterans Land Act*.

Ms. Gunn clarified that 2 unit dwellings would only be permitted when lots do not meet the frontage requirements, but still have sufficient area. It would apply for either insufficient lot area or frontage, but not both.

Mr. Bartlett asked for more clarification.

Councillor Lantz asked Ms. Gunn for examples of both.

Councillor MacDonald explained the difference in lot frontage and lot area.

Mr. Bartlett asked for a definition of what area is considered when determining the average lot frontage in an area.

Ms. Gunn explained that the average frontage on one block is used to calculate the average lot frontage.

Councillor Lantz asked for any further comments or questions.

Councillor Bernard asked what the requirement is for lot frontage if a lot is to be subdivided.

Ms. Gunn responded that the lot frontage is determined by the average size of existing lots on the street within that block or within the same zone.

Mr. Bartlett asked if variances would still be allowed.

Ms. Gunn noted that each case will be reviewed by Planning Board and Council for approval.

Mrs. Palmer Thompson noted that variances are not permitted for subdivisions.

Councillor Lantz commented that currently a lot cannot be subdivided to create a non-conforming lot.

Section 4.42.7 (text change only) – “4.42(5) should be “4.42.6”

Section 4.42A (text change only) – “South” should be “North” in title of Section

Section 4.54.1 (text change only) – remove “Part 5 of”

This amendment is required as the Building Code has undergone many changes and the reference to the various parts should be removed.

Section 7.3.6 (text change only) – remove “final subdivision plan or”

This amendment is required to remove the reference to Council approval for subdivision plans as they are approved in-house by the Development Officers. Subdivisions are presently “as-of-right” and do not require Council approval. Council approval is required for lot consolidation applications in zones other than R-1 and R-2.

Section 7.3.7.d.xvii (text change only) – “degree” should be “percent”

Section 4.56 Fuel Burning Buildings

Delete current Section 2 which does not permit less than 1mw biomass heating plants

Subsection 3 becomes subsection 2.

Add: “4.56.3 Council, after receiving a recommendation from Planning Board, may approve stand-alone biomass heating plants that are less than 1 mw (megawatt) in net capacity for Commercial, Industrial and Institutional Buildings on properties with a minimum Lot Area of 1.5 acres.”

This amendment is proposed as the City has received a request from the Province to permit fuel burning buildings less than 1 mw at several new institutional locations.

Foster Miller, Provincial Department of Transportation & Infrastructure Renewal, gave a presentation on Biomass Heating Plants. Representatives from Atlantic Bioheat and Wood4heating PEI were also present to provide information. Mr. Miller gave a history of previous trials in various locations. The technology has improved a great deal since the 1970’s and 1980’s and they now consider it to be a more feasible method of providing heat to governmental and institutional buildings. The Province proposes to develop over 30 additional sites this year with 6 being located in Charlottetown: Beach Grove Manor, Stonepark School, the new Prince Edward Home, West Royalty School, Birchwood School, and the new Spring Park School.

Kim Horreht, of the Province, also provided comments on her trip to Austria where biomass heat plants are a way of life.

Councillor Lantz asked for any comments or questions.

Mayor Lee asked if these plants provide heat for hot water or heat only.

Ms. Horreлт responded that they provide heat for both.

Dick Arsenault, Atlantic Bioheat, noted that in the new existing boiler installations they have not received any complaints from emissions, smells, etc.

Mr. Miller thanked Ms. Gunn for her assistance with this request for the Bylaw amendment and asked for any comments or questions.

Jake Bartlett

Mr. Bartlett asked if the figures provided were for megawatts per hour or megawatts per day.

Mr. Miller responded that it was megawatts per hour.

Councillor Bernard asked what is the cost saving compared to the cost of 100,000 litres for oil.

Mr. Arsenault responded that the savings using wood pellets is approximately 50 percent and may be more for wood chips.

Mr. Miller noted that the saving is between 70 to 75 cents compared to the cost for heating oil. The Province proposes to purchase heat from the developers who will operate the heating plants. Heating oil will only be used for backup in times of extremely cold weather as the heating plants do not provide enough heat during these conditions.

Mrs. Palmer Thompson asked if there was any concern with pests being spread with the transporting of wood chips from other provinces.

Mr. Miller responded that all wood chips will be produced on the Island and that pellets are produced off-Island.

Councillor Lantz asked for any comments or questions. There being none, the meeting adjourned at 9:10 p.m.